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10 Attorneys for Counterdefendant
11 Stephens Media, LLC

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 RIGHTHAVEN LLC, a Nevada limited-
15 liability company,

16 Plaintiff,

17 v.

18 DEMOCRATIC UNDERGROUND, LLC, a
19 District of Columbia limited-liability
20 company; and DAVID ALLEN, an
21 individual,

22 Defendants.

Case No.: 2:10-cv-01356-RLH-GWF

**DECLARATION OF J. COLBY
WILLIAMS IN SUPPORT OF
COUNTER-DEFENDANT STEPHENS
MEDIA LLC'S (i) NOTICE OF
WITHDRAWAL OF ITS MOTION FOR
RECONSIDERATION OF THE
COURT'S JUNE 14, 2011 ORDER [DKT
126], AND (ii) LIMITED REPLY TO
DEMOCRATIC UNDERGROUND,
LLC'S COMBINED OPPOSITION [DKT
140]**

23 DEMOCRATIC UNDERGROUND, LLC, a
24 District of Columbia limited-liability
25 company,

26 Counterclaimant,

27 v.

28 RIGHTHAVEN LLC, a Nevada limited-
liability company; and STEPHENS MEDIA
LLC, a Nevada limited-liability company,

Counterdefendants.

I, J. Colby Williams, declare under penalty of perjury as follows:



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& WILLIAMS
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1 1. I am a resident of Clark County, Nevada. I am over the age of eighteen and am
2 competent to make this Declaration. This Declaration is based upon my personal knowledge
3 unless otherwise so stated, and if called upon to testify, I would testify as set forth herein.

4 2. I am a licensed attorney in the State of Nevada, Bar Number 5549 and am a partner
5 in the law firm CAMPBELL & WILLIAMS. I am one of the attorneys representing Counter-
6 Defendant Stephens Media, LLC in Case No. 2:10-cv-01356-RLH-GWF.

7 3. I make this Declaration in support of Stephens Media, LLC's (i) Notice of
8 Withdrawal of its Motion for Reconsideration of the Court's June 14, 2011 Order [Dkt. 126], and
9 (ii) Limited Reply to Democratic Underground LLC's Combined Opposition [Dkt. 140].
10

11 4. The Stipulated Protective Order ("SPO") [Dkt. 65] entered in this action sets forth
12 a procedure for challenging confidentiality designations asserted for discovery materials. The
13 procedures include an objection to the designated material, an obligation of the parties to
14 negotiate in good faith to resolve the dispute, and (if the dispute cannot be resolved) a motion by
15 the challenging party seeking a determination of the status of the material. *See* Dkt. 65 at ¶ 19.
16

17 5. Democratic Underground, LLC ("DU") filed several sealed exhibits (*i.e.*, 1, 2, 3,
18 and 5) as part of its combined opposition. The sealed exhibits are commercial agreements
19 between Stephens Media and several non-parties to this action as well as an excerpt from the
20 Righthaven Operating Agreement. *See* Dkt. 140.
21

22 6. DU submitted a Motion to File Documents Under Seal [Dkt. 139] in conjunction
23 with the combined opposition wherein it sought conditional approval to submit the exhibits under
24 seal "until such time as Stephens Media provides a basis for this Court to maintain them under
25 seal." Dkt. 140 at 2:2-3. The request was conditional because DU "does not maintain that
26 Exhibits 1, 2, 3, and 5 are appropriately designated under either the terms of the Stipulated
27

28



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